

ZB# 83-16

Diplomat Motel

4-1-12.12

#83-16 - Diplomat

Preliminary
April 11, 1983

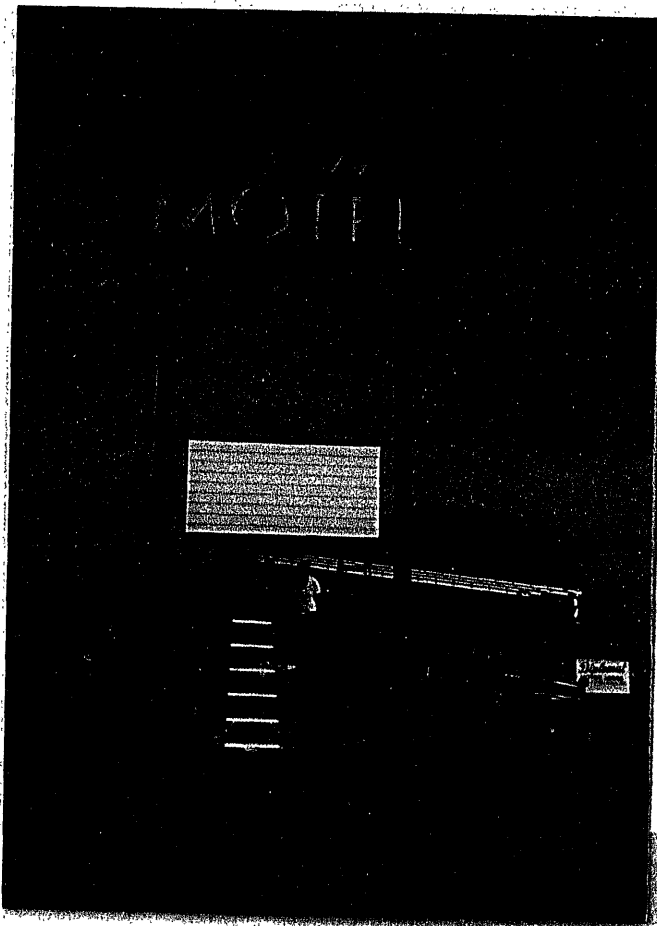
Public Hearing
May 9, 1983

✓ ODP notified 4/28/83

File

TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550		<h2 style="margin: 0;">General Receipt</h2>		5185
Received of <u>P. S. Tung Inc.</u>		<u>May 10</u> 19 <u>83</u>		
<u>Fifty and 00/100</u>		\$ <u>50.00</u>		
For <u>Variance application fee - 83-16</u>		DOLLARS		
DISTRIBUTION:				
FUND	CODE	AMOUNT		
<u>\$50.00</u>	<u>Check</u>			
<u>#1036</u>				
		By <u>Pauline J. Townsend</u> ^{EC.}		
		<u>Town Clerk</u>		
		Title		

Williamson Law Book Co., Rochester, N. Y. 14609



NEW WINDSOR ZONING BOARD OF APPEALS

-----X

In the Matter of the Application of

DIPLOMAT MOTOR LODGE and P.S. TUNG, INC.,

DECISION GRANTING SIGN
VARIANCE

#83-16 .

-----X

P.S. TUNG, INC.

WHEREAS, DIPLOMAT MOTOR LODGE and/ of Union Avenue,

New Windsor, New York, have made application before the

Zoning Board of Appeals for sign variance for the purposes of:

permitting the existing sign with additions thereto, totaling 338 sq. ft:

and

WHEREAS, a public hearing was held on the 9th day of

May, 1983 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicants appeared with contractor, John

DiLorenzo of Newburgh, New York; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that applicants intend to advertise
the fact that they have added a pool, sauna and restaurant to the motel
complex and have chosen a sign with a directory addition;

3. The evidence shows that the sign is 338 sq. ft., 318
sq. ft. over the allowable signage in this area, which is an OLI zone

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

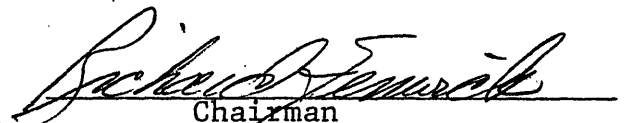
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a 318 sq. ft. sign area variance and all old/signs are roadside to be removed from the premises, in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: May 23, 1983.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

83-16.

Date: 4/12/83.

I. ✓ Applicant Information:

(a) P.S. Tung, Diplomat Motel, Union Avenue, New Windsor, N.Y. 12550
(Name, address and phone of Applicant) (Owner)

(b) _____
(Name, address and phone of purchaser or lessee)

(c) _____
(Name, address and phone of attorney)

(d) _____
(Name, address and phone of broker)

II. ✓ Application type:

☐ Use Variance

☒ Sign Variance

☐ Area Variance

☐ Special Permit

III. ✓ Property Information:

(a) OLI Union Avenue, New Windsor, N.Y. 4-1-12.12
(Zone) (Address) (S B L) (Lot size)

(b) What other zones lie within 500 ft.? R4-A

(c) Is a pending sale or lease subject to ZBA approval of this application? No

(d) When was property purchased by present owner? Jan., 1, 1982

(e) Has property been subdivided previously? yes When? _____

(f) Has property been subject of variance or special permit previously? _____ When? _____

(g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No yes.

(h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col. .

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u> </u> / <u> </u>	<u> </u> / <u> </u>	<u> </u> / <u> </u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* <u> </u> %	<u> </u> %	<u> </u> %
Floor Area Ratio** <u> </u>		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

VI. ✓ Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use Regs., Col. D.

	Requirements	Proposed or Available	Variance Request
Sign 1		<u>77</u>	
Sign 2		<u>48</u>	
Sign 3		<u>32</u>	
Sign 4			
Sign 5			
Total	<u> </u> sq.ft.	<u> </u> sq.ft.	<u>318</u> sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

The public must be aware of our services, therefore, we need adequate signs for people to be aware that there is a motel and a restaurant. See attached

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Sign 1 - 5'6x14' = 77 sq.ft. Sign 3 - 4x8 = 32 sq.ft. = 318 sq.ft.
(old sign 3x6 = approx) (old wood sign 72 sq.ft.)

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

This is a business zone and therefore the new sign will bring activity and therefore upgrade the zone.

The old signs will be removed!

IX. Attachments required:

- ____ Copy of letter of referral from Bldg./Zoning Inspector.
____ Copy of tax map showing adjacent properties.
____ Copy of contract of sale, lease or franchise agreement.
____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
____ Copy(ies) of sign(s) with dimensions.
____ Check in the amount of \$ 10.00 payable to TOWN OF NEW WINDSOR.
____ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date April 12, 1983.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Two Jan
(Applicant)

Sworn to before me this
11 day of April, 1983.

THELMA NUSBAUM
Notary Public, State of New York
4506653
Qualified in Rockland County
Commission Expires March 30, 1985

Shelma Nusbaum

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Memo FROM: ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE NEW WINDSOR, NEW YORK 12550

TO: PATRICK KENNEDY, Building Zoning Officer

DATE: 1/30/84

SUBJECT: DIPLOMAT MOTEL SIGN VARIANCE

--FOLD HERE--

Dear Pat:

Please remind the owners of the Diplomat Motor Lodge that only one (1) sign variance was granted, that being the main sign on the road which advertises the motel and restaurant. At the time the variance was granted, the applicants stated that all other road signs would be removed.

Thank you.

/pd

by

Patricia Delia

for Dan Konkol, Chairman



Louis Helmbach
County Executive

**Department of Planning
& Economic Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

May 5, 1983

Mr. Richard Fenwick, Chairman
Town of New Windsor Zoning Board of Appeals
555 Union Avenue
New Windsor, N.Y. 12550

Re: Variance--Diplomat Motel
Union Ave.
Our File No. NWT 5-83-M

Dear Mr. Fenwick:

Our office has reviewed the above application submitted to us in accordance with the provisions of Section 239, l and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination.

Very truly yours, .

Peter Garrison
Commissioner Department of Planning
& Economic Development

PG/rk
Enc.

Reviewed by:

Joel Shaw
Senior Planner

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

MAY 7 1983

BY:



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: May 10, 1983

Mr. P. S. Tung
DIPLOMAT MOTOR LODGE
Union Avenue
New Windsor, N. Y. 12550

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-16 - DIPLOMAT MOTOR LODGE

Dear Mr. Tung:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was granted
at a meeting held on the 9th day of May, 1983.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not
hesitate to call me.

Yours very truly,

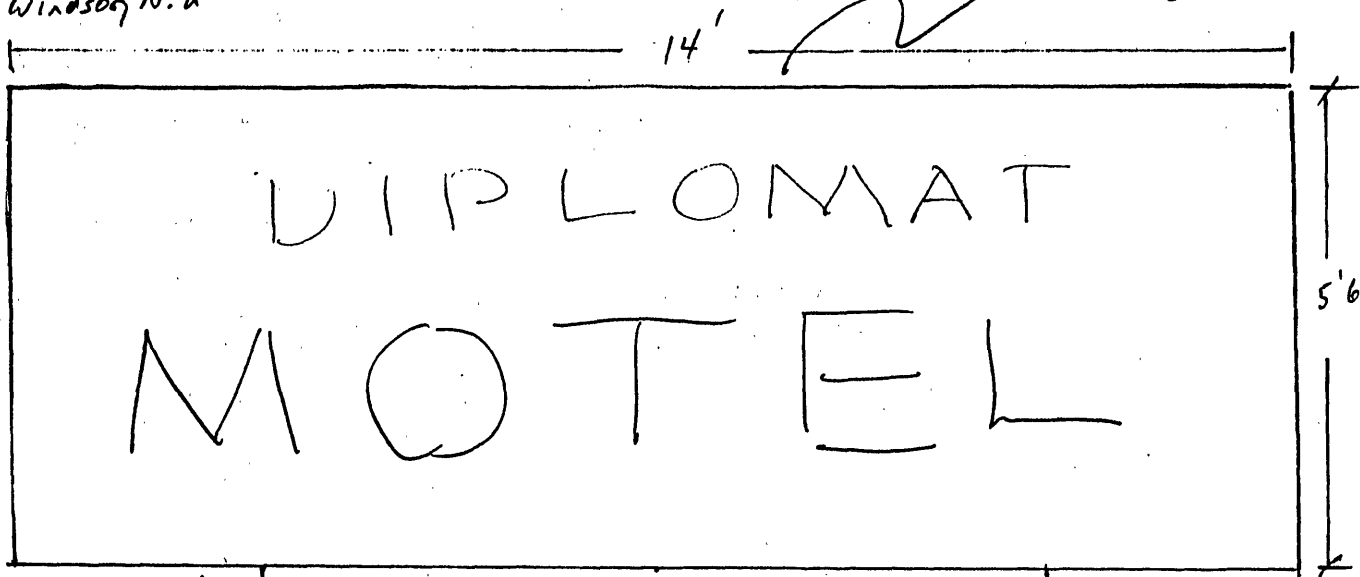
PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

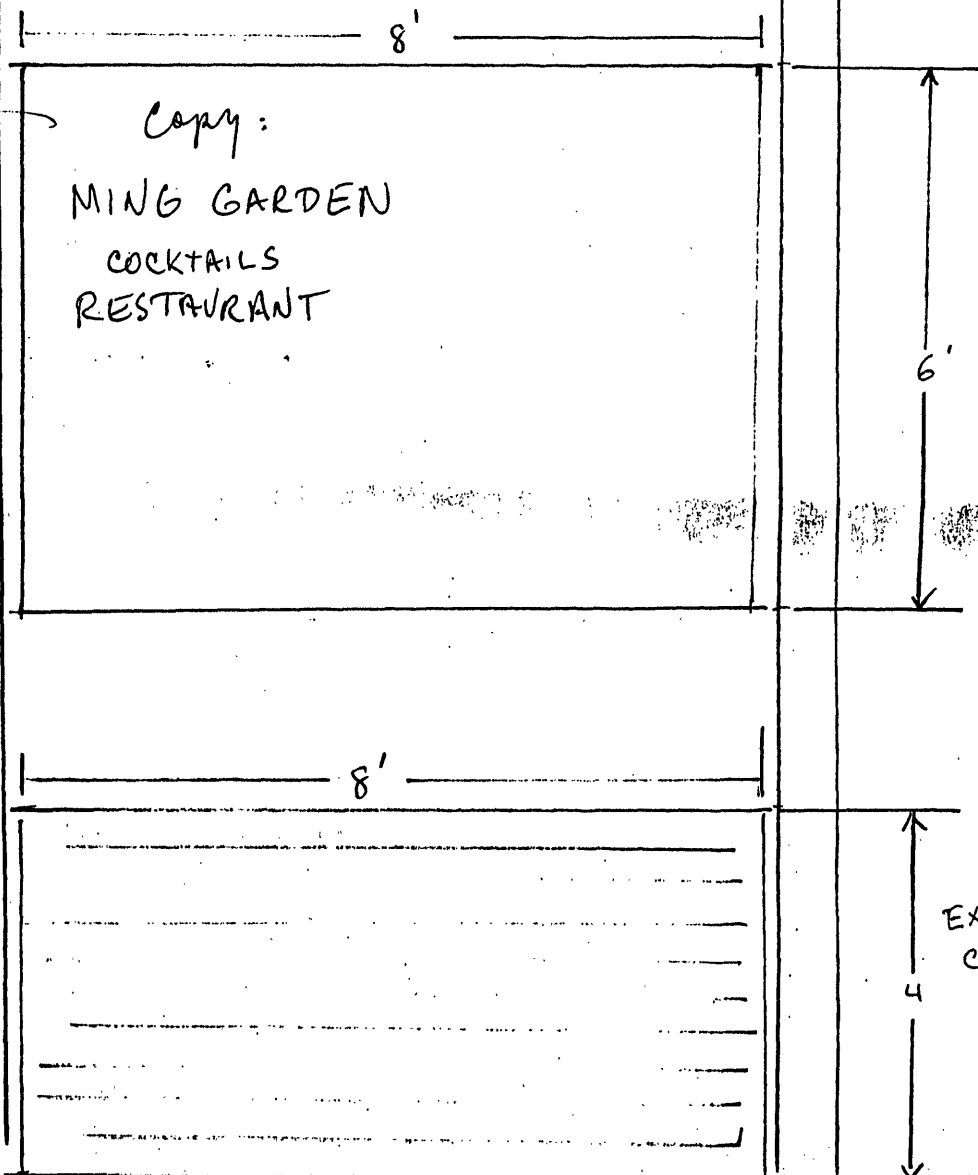
cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

Diplomat Motel.
Union Ave.
New Windsor N.Y.

Existing Neon Sign



Proposed
new sign
6'x8'
Double faced
Plastic face
800 ma lighting
Welded steel frame
UL LISTED



8\" steel pipe
directly in
ground
cc.

Existing
Changeable
Sign

Diplomat Motel
Union Ave.
New Windsor, N.Y.

8'
MING CADDEN
→ RESTAURANT → 3'

Single faced sign for side of building
800 m lighting
UL LISTED
attaches with lead shields w/lay into brick wall.

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No.

Date March 17, 1983

To P.S. Tung - Diplomat Motel
Union Ave.
New Windsor, N.Y.

DWO JON 564 7550

PLEASE TAKE NOTICE that your application dated March 17, 1983
for permit to Erect additional sign face to existing sign
at the premises located at Diplomat Motel - Union Ave.

is returned herewith and disapproved on the following grounds:

Total sign face exceeds legal zoning limits
Note: Existing sign exceeds limits and a note in the permit
file said they were supposed to pursue a variance at
that time.

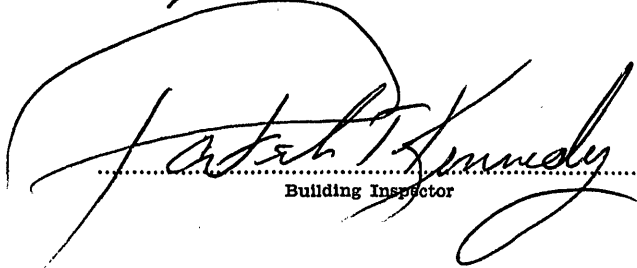
Existing sign face 154 S.F.
 64 S.F.

Total Exist. sign. 218 S.F.

Proposed sign face 96 S.F.
 24 S.F.

Zone DL1
Permitted sign face 20 S.F.

Final Total sign face 338 S.F.


Building Inspector

4/11/83

7:30 TOWN Hall

Pat 565-8550 ZBA

562-3259 John Di Lorenzo



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

6 on list

April 18, 1983

P. S. Tung Inc.
D/B/A Diplomat Motor
Lodge
845 Union Ave
New Windsor, N.Y.

Re: 4-1-12.12

Dear Mr. Tung:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$20.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads "Paula Sarvis".

PAULA SARVIS
ASSESSOR
TOWN OF NEW WINDSOR



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Ruthberg Harold & Arline
16 Hilltop Lane
Monsey NY 10952

Balmville Estates Inc
PO Box 4053
New Windsor NY 12550

Roscino Joseph & Mary
Talbot Rose
c/o Rose Talbot
RD1 Weyants Lane
Newburgh NY 12550

Nunnally David K
26 Liner Road
New Windsor NY 12550

County of Orange
County Garage
124 Main St
Goshen NY 10924

The City of Newburgh
Washington Lake
City Hall
Newburgh NY 12550

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Ordinance on the following proposition:

Appeal No. 16

Request of P. S. TUNG/DIPLOMAT MOTEL
for a VARIANCE ~~SPECIAL PERMIT~~ of
the regulations of the Zoning Ordinance to
permit variation in size of sign

being a VARIANCE ~~SPECIAL PERMIT~~ of
Section 48-9- TABLE OF USE REGS.-COL. D
for property situated as follows:

Union Avenue, Town of New Windsor, N. Y.

SAID HEARING will take place on the 9th day of
May, 1983, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
TOWN BUILDING/ZONING OFFICER

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARINGS BEFORE ZBA - May 9, 1983

DATE: April 28, 1983

Please be advised that the following is a list of public hearings which will be on the May 9, 1983 agenda of the ZBA:

- (1) WORTMANN, FRANK - area variance;
- (2) DIPLOMAT MOTEL - sign variance;
- (3) PELLECHIA, FRED - area variance.

I have attached hereto copies of the DIPLOMAT and PELLECHIA applications, together with public hearing notices for each. You have previously received the Wortmann paperwork under my memo dated April 25, 1983.

Pat

/pd
Attachments